

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Barbering hereby amends Chapter 21, "Licensure," and Chapter 23, "Barber Schools," Iowa Administrative Code.

This rule making:

- Amends the requirement to send a renewal notice to barber practitioners and barbershops in order to be consistent with legislative changes to Iowa Code section 147.10.
- Gives barber schools the option to establish a mentoring program to provide students with an introduction to operating a barbershop and to small business practices.
- Incorporates references to the sections of the Iowa Code administered by the Iowa College Student Aid Commission that require a school to be in compliance with state tuition refund policies and financial responsibilities as a requirement of licensure.

All other changes are technical in nature.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 20, 2014, as **ARC 1584C**. A public hearing was held on September 9, 2014, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, Des Moines, Iowa.

Three public comments were received from T.L. Millis, owner and president of American College of Hairstyling, Des Moines and Cedar Rapids. The comments pertained to implementation of the mentoring program. The first comment expressed concern about allowing 10 percent of a student's total hours to be served in a mentoring program. Rule 645—23.16(158), as written, establishes the maximum of 10 percent and gives the school final discretion on the number of hours a student may participate. The second and third comments expressed concern that shop owners would ignore the rule prohibiting a student's practice of barbering and provide compensation for services. The comment suggested that a student participating in the mentoring program be allowed to work under a temporary permit. However, this proposal would substantially change the intent of the rule regarding issuance of temporary permits. The rules for the mentoring program adopted herein are intended as an optional activity for barber schools to add to their curricula.

These amendments are identical to those published under Notice.

Waiver provisions are contained in 645—Chapter 18.

The Board of Barbering adopted these amendments on September 26, 2014.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 21, 158 and 272C and section 147.10.

These amendments will become effective November 19, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 21.9(1) as follows:

21.9(1) The biennial license renewal period for a license to practice barbering shall begin on July 1 of each even-numbered year and end on June 30 of each even-numbered year. All licensees shall renew on a biennial basis. ~~The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license.~~ The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive the notice from the board does not relieve the licensee of the responsibility for renewing the license.

ITEM 2. Amend subrule 21.12(2) as follows:

21.12(2) ~~The renewal application shall be mailed to the barbershop at least 60 days prior to the expiration of the license.~~ Failure to receive the renewal application from the board shall not relieve the barbershop of the obligation to pay the biennial renewal fee on or before the renewal date.

ITEM 3. Adopt the following new definitions of “Mentor” and “Mentoring program” in rule 645—23.1(158):

“*Mentor*” means a licensee providing guidance in a mentoring program.

“*Mentoring program*” means a program allowing students to experience barbering in a licensed barbershop under the guidance of a mentor.

ITEM 4. Amend subrule 23.2(1) as follows:

23.2(1) An application shall be submitted to the Board of Barbering, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. The following information shall be submitted with the application:

- a. The exact location of the proposed barber school;
- b. A copy of the essential parts of the lease or other documents to provide proof that the owner of the school has occupancy rights for a minimum of one year;
- c. A sworn affidavit that proves the existence of sufficient finances to acquire the facilities and equipment required by the board and to operate the proposed barber school for a minimum of one year; and
- d. A complete plan of the physical facilities and an explanation detailing how the facilities will be utilized relative to the number of students and to the classroom and clinic space; and
- e. Copies of the catalog, brochure, enrollment contract, mentoring contract, student policies, and cancellation and refund policies that will be used by the school or distributed by the school to students and the public.

ITEM 5. Rescind subrule 23.2(5) and adopt the following new subrule in lieu thereof:

23.2(5) Instruction of students shall not begin until the school license is issued and the applicant has complied with Iowa Code section 714.18 and, as applicable, Iowa Code section 714.23.

ITEM 6. Amend paragraph **23.10(3)“a”** as follows:

- a. Be attired in clean and neat uniforms at all times during school hours and during participation in the mentoring program.

ITEM 7. Adopt the following new rule 645—23.16(158):

645—23.16(158) Mentoring program. Each barber school that elects to have a mentoring program must have a contract between the student, the school and the barbershop mentor that includes scheduling, liability insurance and details of training.

23.16(1) Students shall not begin a mentoring program until they have completed a minimum of 50 percent of the total contact or credit hours required for graduation and any other requirements of the mentoring program as established by the school.

23.16(2) Students may participate in a mentoring program for no more than 10 percent of the total contact or credit hours required for graduation.

23.16(3) Students shall be under supervision of the mentor at all times. Students may perform the following activities: act as receptionist, handle retail sales, sanitize the barbershop, consult with clients (to acquire customer service skills), take inventory, order supplies, prepare payroll, pay monthly bills, and hand equipment to the barber.

23.16(4) The barbershop mentor’s responsibilities include the following: introduce the student to the barbershop and the clients, record the time of the student’s attendance at the barbershop, prepare an evaluation of the student, discuss the student’s performance with the student, and allow the student to observe barbershop operations.

23.16(5) Neither the barbershop nor the school shall compensate students participating in the mentoring program.

[Filed 9/26/14, effective 11/19/14]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/14.